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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,336	05/15/2001	Kraig Schlosser	60680-446	1089

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DYKEMA GOSSETT PLLC  
39577 WOODWARD AVENUE  
SUITE 300  
BLOOMFIELD HILLS, MI 48304-5086

EXAMINER
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ROYAL, PAUL

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 08/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/855,336

Applicant(s)

SCHLOSSER ET AL.

Examiner

Paul Royal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,6,8,10 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-3,6,8,10 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Election/Restrictions***

2. Applicant's traverse of the Examiner's restriction requirement in Paper No. 6 of a steer axle assembly having a spindle assembly rotatably mounted on the kingpin is persuasive and the restriction requirement is withdrawn.

### ***Response to Arguments***

3. Applicant's arguments, filed 3 July 2003, with respect to the restriction requirement and the application of Pollock et al. (US 5,269,546) have been fully considered and are persuasive because the kingpin arm unit does not appear to have both first and second arms. With reference to this issue, the rejection of claims 1-3 and 6 have been withdrawn.

Applicant's arguments, in Paper 4, dated January 21, 2003, which state, in summary, that Hurlburt et al. does not teach a steer axle assembly having a body portion disposed on only one side of the longitudinal axis of the axle beam is not persuasive.

Applicant's arguments, in Paper 4, dated January 21, 2003, which state, in summary, that Hurlburt et al. does not teach a steer axle assembly having a spindle assembly rotatably mounted to the kingpin are not persuasive because Hurlburt et al.

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clearly discloses the spindle 43 is rotatably mounted to the kingpin 30, see Figure 2 and column 3, line 66 to column 4, line 32. Further, applicant's arguments present element "14" as the "yoke", however Hulbert et al. teaches the "kingpin yoke" is element 42 and reference number "14" refers to a pivot point on the support frame. Applicant's arguments are not persuasive where the reference numbers and elements of the argument do not match what has been disclosed in Hurlburt et al.

Further, applicant's arguments that Hurlburt et al. cannot be said to include where the "body portion [of the yoke] is disposed on only one side" of the longitudinal axis of the axle beam is not persuasive. It is the Examiner's position that it is possible for at least a portion of the body portion 42 [of the yoke]

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation a "body" is unclear because applicant has already recited that the inverted knuckle yoke has a body portion. Since the term "body" has been used as part of the phrase used to describe another element of the invention, applicant's use of just the term "body" as an element of the invention makes the claim unclear.

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### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

5. Claim 1-2, 6, 16, 10, 11 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hurlburt et al. (US 6,267,198).

Hurlburt et al. teaches a steering axle assembly, comprising:

an axle beam (21) disposed about a longitudinal axis; and

an inverted (offset) knuckle yoke (42) having a body portion (BP, see Examiner's annotated Figure 2), disposed on one side of the longitudinal axis of the axle beam, and first (FA, see Examiner annotated Figure 3) and second (SA, see Examiner' annotated Figure 3) arms extending from the body portion, the first and second arms are configured to receive a kingpin (30) and disposed on the same side of the longitudinal axis of the axle beam and wherein the body portion (BP) extends from the axle beam (21) in an outboard direction and at an angle to the longitudinal axis of the axle beam (21), see Figure 2,

wherein the body portion is coupled to an external surface of the axle beam (21); and a spindle assembly (43) rotatably mounted on the kingpin (30).

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as obvious over Hurlburt et al. (US 6,267,198).

Hurlburt et al. teaches a steer axle assembly, comprising:

an axle beam (21) disposed about a longitudinal axis; and

an inverted (offset) knuckle yoke (42) having a body portion (BP, see Examiner's annotated Figure 2), disposed on one side of the longitudinal axis of the axle beam, and first (FA, see Examiner annotated Figure 3) and second (SA, see Examiner's annotated Figure 3) arms extending from the body portion, the first and second arms are configured to receive a kingpin (30) and disposed on the same side of the longitudinal axis of the axle beam and wherein the body portion (BP) extends from the axle beam (21) in an outboard direction and at an angle to the longitudinal axis of the axle beam (21), see Figure 2, wherein the body portion is coupled to an external surface of the axle beam (21).

Hurlburt et al. does not teach wherein the body portion is welded to the external surface of the axle beam.

Note, it is understood to be an obvious design choice to weld the body portion to the external surface of the axle beam instead of bolting the elements together because

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welding is often used as a substitute for bolting when a permanent attachment is desired.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the steer axle assembly of Hurlburt et al. to include wherein the body portion is welded to the external surface of the axle beam because welding is a substitute for bolting when a permanent attachment is desired.


### ***Conclusion***

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Royal whose telephone number is 703-308-8570. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
P. Royal  
August 24, 2003

Paul Royal  
Examiner  
Art Unit 3611

  
**LESLEY D. MORRIS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**

